

412 Rec'd PCT/PTO 0 5 JUN 2000 #5

Patent

Attorney's Docket No. 001560-377

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

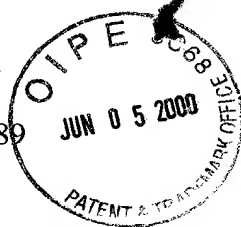
In re Patent Application of

Keiko SAKAKIBARA et al.

Application No.: 09/446,089

Filed: December 17, 1999

For: GENE ENCODING A PROTEIN
HAVING AURONE SYNTHESIS
ACTIVITY



Group Art Unit: Unassigned

Examiner: Unassigned

LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

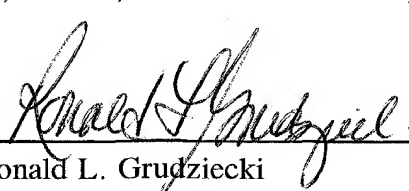
Further to our submission of March 17, 2000 (copy enclosed), we note we made a typographical error in that Letter in regard to the second named inventor's name. We indicated that the correct spelling of the second inventor's name was "Yuki" when the actual spelling of the second inventor's name is "Yuko", as correctly identified in the Declaration filed on December 17, 1999.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

By:


Ronald L. Grudziecki
Registration No. 24,970

Date: June 5, 2000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
Keiko SAKAIBARA et al.) Group Art Unit: Unassigned
Application No.: 09/446,089) Examiner: Unassigned
Filed: December 17, 1999)
For: GENE ENCODING A PROTEIN)
HAVING AURONE SYNTHESIS)
ACTIVITY)

COPY

LETTER

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This Letter is being offered in response to the Notification of Missing Requirements dated February 28, 2000, issued in regard to the above-identified application.

The Notification of Missing Requirements indicates that "The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917." On the PCT/DO/EO/917, box 3 is checked indicating that the declaration filed "does not identify the inventor(s)" with a handwritten note that states "The 2nd inventor's name is spelled differently on the International Application than on the declaration. Please clarify."

The declaration and International Application have been reviewed and it is noted that in the International Application, the second inventor's first name is spelled "Yuuki" and in the declaration, the name is spelled "Yuki". We have contacted the applicants and have been informed that the correct spelling of the second inventor's first name is "Yuki".

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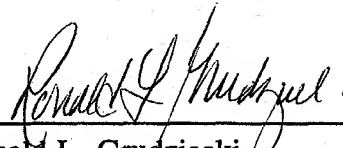
The International Application contains a typographical error and the declaration filed on December 17, 1999, is correct.

It is therefore earnestly requested that the Declaration as filed on December 17, 1999, be accepted and a filing date of December 17, 1999, be awarded the above-identified application.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By: _____


Ronald L. Grudziecki
Registration No. 24,970

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: *March 17 2000*

09/446089



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: ASSISTANT COMMISSIONER FOR PATENTS

Box PCT

Washington, D.C. 20231

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001560-177

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
RONALD L. GRUZIECKI	5071	PCT/JP99/02045
BURNS DOANE SWECKER & MATHIS 80 BOX 1404 ALEXANDRIA VA 22313-1404		
INTERNATIONAL APPLICATION NO.		
I.A. FILING DATE: 04/16/99 PRIORITY DATE: 04/11/98		
DATE MAILED: 02/28/00		

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):
☒ U.S. Basic National Fee.
☒ Copy of the international application in:
☒ a non-English language.
☐ English.
☒ Translation of the international application into English.
☒ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☒ Preliminary amendment(s) filed Dec 17, 1999 and _____
☐ Information Disclosure Statement(s) filed _____ and _____
☒ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____
☐ Verified Statement Claiming Small Entity Status.
☒ Priority Document.
☒ Copy of the International Search Report ☒ and copies of the references cited therein.
☐ Other:

Decl due
3-28-00

FEB 29 2000

DOCKETED 3-2-29

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ALG/dmr
AOKI

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☒ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later that the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
 5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed:

☒ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: 703 308-9116